84-1970

NO.

Office-Supreme Court, U.S.
FILED
JUN 19 1985
ALEXANDER L. STEVAS,
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1984

In re: LOUIS J. ZUGER
POLITICAL PRISONER # 081-33-014
PEMBROKE STATION CAMP
DANBURY, CT 06810

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DEMAND FOR HABEAS CORPUS

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LOUIS J. ZUGER
081-33-014
PEMBROKE STATION CAMP
DANBURY, CT 06810

JUNE 12, 1985

BEST AVAILABLE COPY

LOUIS J. ZUGER, Demandant,

v.

WARDEN DENNIS LUTHER, and
ATTORNEY GENERAL OF THE UNITED
STATES OF AMERICA, Respondents.

==========

DEMAND

==========

The demandant hereby demands that a writ of habeas corpus issue from this Court forthwith, for the following reasons:

(1) The demandant was "convicted" in the United States District Court for the District of Connecticut, in "CRIMINAL" Docket No. N-84-21 on July 6, 1984.

(2) The Judgment and Probation/Commitment Order was entered on September 10, 1984 by U.S.D.J. PETER C. DORSEY.

(3) Said "order" reads as follows:

"COUNSEL] ¶ X ¶ Without Counsel
¶ ___ ¶ With Counsel Louis J. Zuger, Pro Se and stand-by counsel Gary Weinberger, Esq.
PLEA] ¶ X ¶ Not Guilty

FINDING &]
JUDGMENT] There being a verdict of ¶ X ¶ Guilty on Counts One and Two by a Jury. Defendant has been convicted as charged of the offenses of violation of Title 26, Internal Revenue Code, Section 7203 (failure to file income tax returns), on Counts One and Two.

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of one (1) year and fined Seven Thousand Five Hundred ($7,500) Dollars on Count One and for a period of one (1) year imprisonment on Count Two; execution of sentence of imprisonment on Count Two is suspended forthwith, and the Defendant is placed on probation for a period of five (5) years to commence upon release from custody on Count One. Count One and Two are to run consecutively. Defendant is to stand committed until payment of fine or until he is otherwise discharged as provided by law. Defendant is to pay costs of prosecution as to Counts One and Two (dollar amount to be set in a Supplemental Judgment when said amount has been provided by the Government).

Execution of sentence stayed pending appeal upon the posting of a Fifty Thousand ($50,000) Dollar bond with ten (10) percent

cash surety within forty-eight (48) hours.

Conditions of probation are that the Defendant is to file all tax returns and pay all taxes required by law and submit a copy of each such return within one (1) week of filing to the United States Probation Office. Defendant shall not have any association with any one who has been convicted of a criminal offense, including those convicted of tax law violations.

The court orders commitment to the custody of the Attorney General and recommends incarceration at the Federal Correctional Institution at Danbury, Connecticut.

/s/ PETER C. DORSEY, U.S.D.J.

Date: September 7, 1984."

(4) The jurisdiction of the district court was challenged, and not settled at the time of the "trial", "conviction", and "sentencing", nor could it be settled favorable to the government because no law of the United States of America was violated or alleged to have been violated by government in the "information".

(5) The demandant appealed to the Second Circuit court of appeals (84-1318), and an order denying rehearing was filed on March 8, 1985. A Notice of Appeal of

that denial was filed in the Second Circuit Court of Appeals on June 5, 1985, in which the demandant gave notice that he will bring an appeal before the Supreme Court of the United States.

(6) In addition, the demandant had filed a Notice of Appeal of the summary dismissal of his appeal by the Second Circuit (85-1065), dated May 1, 1985. That notice of appeal to the Supreme Court of the United States was dated May 10, 1985, and filed on May 20, 1985.

(7) The demandant has not yet had his due process rights honored, especially since he is in jail before his appeals have been heard. He has been forced at gunpoint to serve a sentence, the validity of which has not yet been determined by the courts.

(8) The whole plan and purpose of said incarceration was, and is, to deny to the demandant his due process rights by making

it impossible for him to perfect his appeals.

(9) The demandant, besides the intolerable situation of being incarcerated for no lawful reason, finds it impossible to meet the deadlines set by this Court for docketing his appeals. For instance, he has only thirty days from May 20, 1985 to docket his appeal in this Court in C.A.2 Docket No. 85-1065, or lose his right to appeal. It is impossible to prepare the necessary Jurisdictional Statement, have it printed, and get to Washington, D.C. to file it and pay the docketing fee by June 19. 1985, while sitting in jail.

(10) It is equally impossible for the demandant to prepare the necessary Jurisdictional Statement, have it printed, and get to Washington, D.C. to file it and pay the docketing fee by July 5, 1985, while sitting in jail.

(11 In simple language, the demandant was denied his due process right of appeal through the unlawful incarceration, and more recently, his attempts to obtain due process have been frustrated by said unlawful incarceration.

REASONS WHY RELIEF IS NOT AVAILABLE FROM THE DISTRICT COURT

A. The district court lacked jurisdiction over the person or the subject matter of the "case", so it cannot grant relief, for want of jurisdiction.

B. The district court is biased against the demandant, as evidenced by its conduct throughout all proceedings therein.

C. The district court is biased against the demandant, as evidenced by its repeated use of armed force to obtain and maintain a jurisdiction over the person of the demandant for which there is no basis in Law..

D. The district court conspired with the Department of Justice to prevent appeals, by arranging for the incarceration of the demandant on "appealable misdemeanors".

E. The demandant is unlawfully detained by said district court.

F. The demandant is unlawfully detained by the representatives of the Attorney General, who are respectively; U.S. Attorney ALAN H. NEVAS who engineered the unlawful proceedings in the district court in the first place; and Warden DENNIS LUTHER, who is under the control of said ALAN H. NEVAS.

G. The district court and the D.O.J. continue to "enforce" Title 26, U.S. Code AS IF IT WERE LAW, WHICH IT IS NOT. They are out of touch with reality. The Congress says it is not law, and it should know. President Reagan has proclaimed the "income tax laws" to be Un-American, and that tax

resistence is American. President Reagan is busy trying to have these "laws" revised.

Why isn't he also in jail?

REASONS WHY THIS COURT MUST, BY LAW, RELEASE THE DEMANDANT

A. The demandant, having filed two (2) Notices of Appeal to this Court, has not exhausted his due process rights of appeal. He requires immediate release so that he can perfect his appeal, as of right.

B. The demandant has been "sentenced" for violations of Title 26, U.S. Code, which has never been enacted into law.

Title 26, U.S. Code and the Internal Revenue Code of 1954 are IDENTICAL, according to Title 1, U.S.C. §204.

According to the preface pages of the various editions of the United States Code, the reasons that Title 26, U.S.C. has not been enacted into law is that it is "in-

consistent, redundant, archaic and obsolete". That being a fact, as well as the fact that the I.R. Code is Identical to Title 26, U.S.C., it is proven factual evidence that the I.R. Code of 1954, as amended, is "inconsistent, redundant, archaic and obsolete". Otherwise, they would not be IDENTICAL.

At no time has Title 26 of the United States Code been enacted into law.

As of early 1955, when the I.R. Code of 1954 was incorporated into Non-Law Title 26, U.S.C., said I.R. Code became unenforceable because it became "inconsistent, redundant, archaic and obsolete" by proclamation of the Congress.

Title 18, U.S.C. §4001 prevents the incarceration or detaining of citizens except pursuant to an Act of Congress.

Title 26, U.S.C. is not an Act of Congress, per se.

C. This Court must immediately release the demandant, by LAW, namely, the Constitution of the United States of America, and habeas corpus is the Constitutionally mandated method.

Accordingly, it is the duty and responsibility of this Court to both the demandant and to the integrity of due process of law, to immediately grant habeas corpus in order to effect the release of the demandant from unlawful incarceration.

Anything less will be a wilful denial of due process to the demandant, as well as a denial of the unalienable and Constitutionally protected and guaranteed rights to the demandant.

LOUIS J. ZUGER
P. O. W. # 081-33-014
PEMBROKE STATION CAMP
DANBURY, CT 06810

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the attached Demand For Habeas Corpus has been sent to:

Warden DENNIS LUTHER
Pembroke Station Camp
Danbury, CT 06810

Attorney General of the United States
Department of Justice
Washington, D.C. 20530

by regular mail, with postage prepaid, on the date of docketing this demand.

Louis J. Zuger

LOUIS J. ZUGER

APPENDIX

United States of America
UNITED STATES DISTRICT COURT for
DISTRICT OF CONNECTICUT

DEFENDANT LOUIS J. ZUGER
DOCKET NO. Criminal N-84-21 (PCD)

JUDGMENT AND PROBATION/COMMITMENT ORDER
AO 245(6/74)

In the presence of the attorneyfor the government the defendantappeared in person on this date September 4, 1984

COUNSEL] ¶_X_¶ Without Counsel
¶___¶ With Counsel Louis J. Zuger, Pro Se and stand-by counsel Gary Weinberger, Esq.

PLEA] ¶_X_¶ Not Guilty

FINDING &]
JUDGMENT] There being a verdict of ¶_X_¶ Guilty on Counts One and Two by a Jury. Defendant has been convicted as charged of the offenses of violation of Title 26, Internal Revenue Code, Section 7203 (failure to file income tax returns), on Counts One and Two.

SENTENCE OR]
PROBATION ORDER]

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of one (1) year and fined Seven Thousand Five Hundred ($7,500) Dollars on Count One and for a period of

one (1) year imprisonment on Count Two; execution of sentence of imprisonment on Count Two is suspended forthwith, and the Defendant is placed on probation for a period of five (5) years to commence upon release from custody on Count One. Count One and Two are to run consecutively. Defendant is to stand committed until payment of fine or until he is otherwise discharged as provided by law. Defendant is to pay costs of prosecution as to Counts One and Two (dollar amount to be set in a Supplemental Judgment when said amount has been provided by the Government).

SPECIAL CONDITIONS]

Execution of sentence stayed pending appeal upon the posting of a Fifty Thousand ($50,000) Dollar bond with ten (10) percent cash surety within forty-eight (48) hours.

Conditions of probation are that the Defendant is to file all tax returns and pay all taxes required by law and submit a copy of each such return within one (1) week of filing to the United States Probation Office. Defendant shall not have any association with any one who has been convicted of a criminal offense, including those convicted of tax law violations.

COMMITMENT RECOMMENDATION]

The court orders commitment to the custody of the Attorney General and recommends incarceration at the Federal Correctional Institution at Danbury, Connecticut.

SIGNED BY

/s/ PETER C. DORSEY, U.S.D.J.
Date: September 7, 1984."